

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN MICHAEL BRAITHWAITE,

Defendant.

8:18CR216

ORDER

This matter is before the Court on defendant Steven Michael Braithwaite's ("Braithwaite") pro se Notice of Appeal (Filing No. 189). "A litigant seeking to appeal a judgment must either pay the required filing fees, *see* Fed. R. App. P. 3(e), or proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)." *Swift v. Williams*, No. 8:17CV331, 2017 WL 6812606, at *1 (D. Neb. Dec. 13, 2017).

Braithwaite, who had retained counsel throughout his criminal case and is not eligible to proceed in forma pauperis without further authorization under Federal Rule of Appellate Procedure 24(a)(3), has neither submitted the requisite \$505.00 filing and docket fees nor requested leave to proceed in forma pauperis as required by Rule 24(a). He must do one or the other.

To proceed in forma pauperis under Rule 24(a)(1), Braithwaite "must file a motion in" this Court and "attach an affidavit that: (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." Braithwaite can alternatively pay the requisite fees for his notice of appeal.

In light of the foregoing,

IT IS ORDERED:

1. The Clerk of Court is directed to send copies of this Order and the proper form affidavit to Braithwaite at his address of record.
2. Braithwaite must submit the required \$505.00 fees to the Clerk's Office or file a motion to proceed in forma pauperis and completed affidavit within 30 days of the date of this Order, at which time the Court will evaluate his request.

Dated this 14th day of February 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge